

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

UNITED STATES OF AMERICA }
v. }
MATTHEW PAUL DEHART }
Criminal Docket No. 3:10-cr-00250-1
JUDGE TRAUGER

**MEMORANDUM IN SUPPORT OF
DEFENDANT'S MOTION TO COMPEL DISCOVERY**

Defendant respectfully submits the following memorandum in support of his motion to compel discovery:

All items requested in this motion have been previously requested by Defense Counsel and are items to which Defendant has a right to discovery, pretrial, pursuant to Rule 16 of the Federal Rules of Criminal Procedure.

More specifically, Defendant has a right to all of his statements and in this case, especially those taken from the Defendant after his arrest in this matter and which the Government is clearly aware. Rule 16(a)(1)(A) & (B).

Defendant is entitled to inspect/copy documents, etc. which are material to his defense, items the government intends to use at trial and items taken from him. Defendant must have access to the electronic devices from the alleged victim in this case for analysis by his forensic expert. Further, Defendant must have access to all of the items seized from him upon his arrest in Maine as well as other items seized from him after his interrogations. These items are critical to his defense. Rule 16(a)(1)(E).

Likewise, Defendant must have copies of the reports of examinations and tests of the alleged victim's electronic devices. These items constitute the basis for the issuance of the search warrant of the Defendant's residence in Indiana. Rule 16(a)(1)(F).

In *U.S. v. Watson*, 787 F.Supp.2d 667 (E.D. Mich. 2011), the Court succinctly set out the basic types of information a criminal defendant is entitled to as well as the timing of these disclosures. (Id. at 672-673). These items are clearly Rule 16 requests and not *Brady* or *Jencks Act* requests. Further, they are absolutely critical to the preparation of the defense. Therefore, Defendant asks for an order directing the Government to comply immediately.

Respectfully submitted,

/s/ Mark C. Scruggs
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CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been e-mailed to Ms. Carrie Daughtrey, Assistant U.S. Attorney, 110 Ninth Avenue South, Suite A-961, Nashville, TN 37203, on this the 14th day of March, 2012.

/s/ Mark C. Scruggs
Mark C. Scruggs